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Technical assistance and capacity-building

Angola:* draft resolution

40/… Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Expressing full support for the United Nations Support Mission in Libya and for the action plan presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya and recalibrated on 8 November 2018 to support a Libyan-led transition that will lead to a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement,

Encouraging all Libyans and Libyan institutions to work together in a spirit of compromise and to engage constructively in the inclusive political process set out in the action plan, and reiterating the importance of the equal and full participation of women in the political process, including in the national conference process,

Expressing deep concern at the impact of the security, economic and humanitarian situation in Libya on its people, and at the continued human rights violations and abuses committed in Libya and continued mass displacement, and its particular impact on women and children,

Expressing grave concern at the human rights violations and abuses committed in Libya against irregular migrants, including in detention centres, and sharing the concern of the Government of National Accord at the horrific accounts of human trafficking,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law should be held accountable, with a view to strengthening the rule of law,

Underlining the need for the coordination of efforts to tackle the root causes of irregular migration to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups, including but not limited to the so-called Islamic State in Iraq and the Levant (Daesh), and to facilitate the voluntary return or repatriation of the said migrants to a third country, in accordance with applicable international law,

1. *Welcomes* the commitment of the Government of National Accord to improve human rights in Libya, and its continued cooperation with the Human Rights Council and its mechanisms, including the universal periodic review, and emphasizes the pressing need for the implementation of the recommendations accepted by Libya during the second review cycle;

2. *Also welcomes* the meeting between the Chair of the Presidency Council, Fayez Serraj, and the Commander of the Libyan National Army, Khalifa Haftar, hosted in Abu Dhabi on 27 February 2019 by the Special Representative of the Secretary-General, on the need to end the transitional stage in Libya by holding general elections, and to maintain stability in the country, and to unify its institutions;

3. *Takes note* of the oral update delivered by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-ninth session on the situation of human rights in Libya, including the steps taken by the Government of National Accord to ensure accountability for human rights violations and abuses, in accordance with Council resolution 37/41 of 23 March 2018;

4. *Also takes note* of the report presented by the High Commissioner to the Human Rights Council at its fortieth session on the situation of human rights in Libya,[1] including on the effectiveness of technical assistance and capacity-building measures for the Government of National Accord;

5. *Welcomes* the commitment of the Special Representative of the Secretary-General for Libya, on behalf of the United Nations country team, to intensify the work on the ground of the United Nations to help to improve the living conditions of all people in Libya, including irregular migrants, and looks forward to an increase in the presence of the United Nations in Libya, to plans for a new round of voluntary funding for 2019 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya and to recommendations to increase the strategic coordination of the United Nations Support Mission in Libya and United Nations agencies, funds and programmes in Libya;

6. *Also welcomes* the visit by the Special Rapporteur on the human rights of internally displaced persons to Libya from 25 to 31 January 2018, and calls upon the Government of National Accord to continue to implement the recommendation made by the Special Rapporteur in her report[2] to prioritize the creation of a national road map to establish a common strategy, and to help to guide and to ensure a coordinated response for appropriate and effective responses to internal displacement;

7. *Further welcomes* the decision of the Government of National Accord to approve the request of the Working Group on Arbitrary Detention to visit Libya, and encourages the Working Group to conduct its visit as soon as possible;

8. *Welcomes* the renewal of the invitation extended by the Government of National Accord to the United Nations High Commissioner for Human Rights to visit Libya, and to continue existing cooperation between Libya and the Office of High Commissioner;

9. *Also welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including the invitation recently extended by the Government to the newly elected Director General of the

[1] A/HRC/40/46.

[2] See A/HRC/38/39/Add.2.

Organization to address the situation of irregular migrants held in detention centres in Libya, giving priority to children and women, and the positive results achieved in coordination with the Government and with the support of Member States, including neighbouring States, and regional organizations;

10. *Underlines* the importance of an inclusive response for irregular migrants in Libya and strengthened international cooperation with the Government of National Accord;

11. *Also underlines* the need for the coordination of efforts to tackle the root causes of irregular migration, to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups;

12. *Takes note with appreciation* of the report on the meeting of the African Union High-level Committee on Libya, held in Addis Ababa on 10 February 2019;

13. *Requests* the Government of National Accord to cooperate with the United Nations Support Mission in Libya and African Union-related entities to organize and facilitate the holding of an inclusive Libyan national peace and reconciliation forum in 2019;

14. *Requests* the Government of National Accord and relevant United Nations and African Union bodies to take the measures necessary for the organization of free and fair presidential and legislative elections before the end of 2019;

15. *Stresses* the importance of respecting the principles of international law with regard to friendly relations and cooperation among States in accordance with the Charter of the United Nations, including the principle of non-interference in internal affairs and respect for the independence and sovereignty of States;

16. *Recognizes* the efforts made by States to trace and freeze stolen assets, and the importance of effective cooperation between the international community and the Government of National Accord for their recovery, taking into account the important contribution of these assets to improving security and development, and the promotion and protection of human rights, in Libya;

17. *Welcomes* the joint statement issued in Cairo on 30 April 2018 on the meeting of the quartet on Libya, comprising the United Nations, the League of Arab States, the African Union and the European Union, reaffirming the commitment to the sovereignty and independence of Libya and its territorial integrity and affirming support for the political process and the efforts of the Presidency Council of the Government of National Accord and all international and local actors for the establishment of security and institution-building;

18. *Also welcomes* the decision of the Presidency Council of the Government of National Accord of 22 November 2018 to establish the preparatory committee for the comprehensive national reconciliation in Libya;

19. *Commends* the decision of the Presidency Council of the Government of National Accord on 19 April 2018 to establish of a high committee to follow up on the affairs of Libyans displaced in and outside of the country;

20. *Welcomes* the signing of a peace agreement by the cities of Misrata and Tawergha on 4 June 2018;

21. *Also welcomes* the decision of the Presidency Council of the Government of National Accord to establish a committee responsible for security arrangements to secure Tripoli and its outskirts, and calls upon the United Nations and the international community to provide the Presidential Guard of the Presidency Council with technical support and capacity-building required to achieve its tasks;

22. *Commends* the conferences held in Paris and in Palermo, Italy to find a political solution to the Libyan crisis, and also commends the international community for its assistance, and also that of neighbouring countries;

23. *Welcomes* the technical assistance and capacity-building measures provided by Member States and international and regional organizations to assist Libya, at its request, including to secure its southern borders and to prevent, investigate and prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in

accordance with national law and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to continue to do so, in partnership with the Presidency Council and in support of the United Nations country team;

24. *Strongly condemns* the terrorist attacks that targeted the Ministry of Foreign Affairs, the National Oil Corporation and the High National Elections Commission, based in Tripoli, and other institutions throughout Libya committed by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Qaida in the Islamic Maghreb and other entities associated with them in Libya listed by the Security Council, and expresses grave concern at the negative impact of the presence of the so-called Islamic State in Iraq and the Levant (Daesh) and its deadly actions in Libya, neighbouring States and the region;

25. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of National Accord to increase its efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages its continued engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

26. *Strongly condemns* all acts of violence in Libya, including all violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians and irregular migrants, including women and children, as well as violations and abuses, including but not limited to unlawful detentions, abductions, enforced disappearances, torture and unlawful killings, including alleged extrajudicial killings and alleged attacks, intimidation, harassment and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

27. *Notes with concern* the humanitarian situation in Libya, while welcoming the efforts of the Government of National Accord to improve it, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, on the request of Libya, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

28. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable;

29. *Expresses concern* at the number of detainees, including conflict-related detainees, encourages the Government of National Accord to intensify its efforts to address allegations, and also expresses its concern at reports of torture, sexual and gender-based violence and harsh conditions in prison detention centres, and requests the Government to establish full and effective control over all detention centres in order to ensure that detainees, including irregular migrants, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

30. *Recognizes* the efforts of the Government of National Accord to address the plight of internally displaced persons, and encourages the Government to continue its efforts to improve that situation, including by implementing the agreement brokered by the Presidency Council, and calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

31. *Encourages* the Government of National Accord to further promote, protect and respect the human rights of irregular migrants, refugees and internally displaced persons, to hold human traffickers accountable and to provide a framework for the enhanced engagement of the Office of the United Nations High Commissioner for Refugees, and to continue to cooperate with the International Organization for Migration;

32. *Repeats* its call to all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all

leaders to declare that violations and abuses of human rights or violations of international humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty;

33. *Requests* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that its women's support and empowerment unit, established in November 2018, is fully operational;

34. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

35. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable to the judicial authorities of Libya, and notes the cooperation between the Government of National Accord and the International Criminal Court in that regard;

36. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

37. *Welcomes* the renewal of the standing invitation of the Government of National Accord to all special procedures of the Human Rights Council to visit Libya, and encourages the Government to consider positively and to help to facilitate requests for visits of the mandate holders, with a view to identifying challenges and providing recommendations;

38. *Encourages* the special procedures to visit Libya and to report to the Human Rights Council and through public statements;

39. *Requests* the Office of the High Commissioner to provide technical assistance and capacity-building to Libya on its request to promote and protect human rights and prevent and ensure accountability for violations and abuses of human rights;

40. *Invites* the Office of the High Commissioner to work closely with the Government of National Accord, relevant United Nations bodies, the African Union and all other relevant regional and international organizations;

41. *Requests* the High Commissioner to present an oral update on the situation of human rights in Libya and the implementation of the present resolution to the Human Rights Council at its forty-second session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council, during an interactive dialogue at its forty-third session, a report on the situation of human rights in Libya, including the implementation of technical assistance and capacity-building to support the efforts of the Government of National Accord to prevent and ensure accountability for violations and abuses of human rights;

42. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

43. *Decides* to remain seized of the matter.